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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/844,082	04/27/2001	Benjamin T. Gomez	2100/19	9623
7590	03/17/2005		EXAMINER	
Michael H. Baniak BANIAK PINE & GANNON Suite 1200 150 N. Wacker Drive Chicago, IL 60606			JONES, SCOTT E	
			ART UNIT	PAPER NUMBER
			3713	
DATE MAILED: 03/17/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/844,082	GOMEZ ET AL. <i>(GD)</i>
	<b>Examiner</b>	<b>Art Unit</b>
	Scott E. Jones	3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 13 October 2004 and 17 December 2004.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20,25-28 and 34-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20,25-28 and 34-43 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 27 April 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This office action is in response to the amendment and request for continued examination filed on December 17, 2004 in which applicant amends claims 1, 8, 14, 25, and 34, cancels claims 21-24, 29-33, and 44-46, and responds to the claim rejections. Claims 1-20, 25-28, and 34-43 are pending.

### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 17, 2004 has been entered.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5, 8-10, 13-18, 25-27, 34-41, and 43 are rejected under 35 U.S.C. 102(e) as being anticipated by Seelig et al. (U.S. 6,537,152).

Seelig et al. discloses an animated gaming system having a plurality of animated figures associated with a plurality of gaming machines wherein the gaming system is capable of having

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the plurality of animated figures respond individually or in combination based on an event that occurs on at least one of the plurality of gaming machines, such as when a bonus event occurs.

Seelig et al. discloses :

Regarding Claims 1, 8, 9, 13, 14, 25, 34, 35, 36, and 37:

- providing a plurality of attraction mechanisms linked together, wherein each attraction mechanism is respectively associated with an individual gaming machine (Column 9, lines 33-42);
- electronically linking said gaming machines (Column 2, lines 10-15 and 21-26, Column 3, lines 44-57, and Column 9, lines 33-42);
- causing said attraction mechanisms of said individual gaming machines to be operated as a group when any one of said linked gaming machines provides an electronic signal indicative of a bonus round being activated (Column 2, lines 21-26, Column 3, lines 44-57, Column 4, lines 28-40, Column 5, line 65-Column 6, line 49, Column 9, line 33-42, Column 10, lines 8-27, and Claim 32).

Regarding Claims 2, 15, and 38:

- wherein said attraction mechanism comprises a mechanical apparatus which has external moving parts, said parts being caused to move upon operation (Column 2, lines 37-46, Column 3, lines 44-57, Column 4, lines 12-40, and Column 5, line 65-Column 6, line 49).

Regarding Claims 3, 16, 26, and 39:

- wherein said mechanical apparatus is a human figure having at least one moving limb  
(Column 2, lines 37-46, Column 3, lines 44-57, Column 4, lines 12-40, and Column 5, line 65-Column 6, line 49).

Regarding Claims 4, 17, 26, and 40:

- wherein said human figure is caused to dance upon operation (Column 4, lines 12-40, and Column 5, line 65-Column 6, line 49).

Regarding Claims 5, 10, 18, 27, and 41:

- wherein all of said attraction mechanisms are caused to be operated simultaneously  
(Column 2, lines 21-26, Column 3, lines 44-57, Column 4, lines 28-40, Column 5, line 65-Column 6, line 49, Column 9, line 33-42, Column 10, lines 8-27, and Claim 32).

Regarding Claim 43:

- wherein said attraction features are caused to be operated with each attraction feature providing a different part of an overall presentation (Column 2, lines 21-26, Column 3, lines 44-57, Column 4, lines 28-40, Column 5, line 65-Column 6, line 49, Column 9, line 33-42, Column 10, lines 8-27, and Claim 32). Given that each gaming machine has an animated figure and all of the animation figures may operate in combination based on at least one event that occurs on at least one of the gaming machines, then each animated figure on each of the associated gaming machines provides an animation which provides a different portion of the overall presentation.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6-7, 11-12, 19-20, 28, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seelig et al. (U.S. 6,537,152).

Seelig et al. discloses that as discussed above regarding claims 1-5, 8-10, 13-18, 25-27, 34-41, and 43. Seelig et al. seems to lack explicitly disclosing:

Regarding Claims 6, 11, 19, and 42:

- wherein said attraction mechanisms are caused to be operated in a staggered manner.

Regarding Claims 7, 12, and 20:

- wherein all of said attraction mechanisms continue to be operated until none of said linked gaming machines is in a bonus round.

However, Seelig et al. does teach the animated figures could be a sophisticated system having the ability to speak and to make very precise and complex movements, such as frowning, crying, jumping up and down, singing, screaming, somersaults, throw candy, and throw safe projectiles at the gaming machine player. Therefore, it would have been obvious at the time of Applicants invention to implement these claim features in Seelig et al. One would be motivated to do so to provide a system which would be entertaining to both the gaming machine player and to others in the vicinity of the gaming machine(s) to thereby maintain the interest of the players.

***Response to Arguments***

7. Applicant's claim amendments and arguments, see pages 2-9, filed December 17, 2004, with respect to the rejection(s) of claim(s) 1-20, 25-28, and 34-43 under 35 U.S.C. 102(b) as being clearly anticipated by Takeuchi et al. (JP 09-108431) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Seelig et al.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (571) 272-4438. The examiner can normally be reached on Monday - Thursday, 6:30 A.M. - 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Scott E. Jones  
Examiner  
Art Unit 3713

sej

